IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 3RD JULY 2007 / 12TH ASHADHA 1929

WP(C).No. 23892 of 2006(T)

PETITIONER:

A.P. STEEL RE-ROLLING MILLS LTD.,
NEW INDUSTRIAL DEVELOPMENT AREA, MENONPARA ROAD,
KANJIKODE, REPRESENTED BY ITS MANAGING DIRECTOR,
K.PANKAJAKSHAN.

BY ADV. SRI.P.V.THOMAS

RESPONDENTS:

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1. THE KERALA STATE ELECTRICITY BOARD,
VYDHYUTHI BHAVAN, PATTOM PALACE P.O.,
THIRUVANANTHAPURAM.

2. THE CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD,
ELECTRICAL DISTRIBUTION NORTH, KOZHIKODE.

3. THE DEPUTY CHIEF ENGINEER,
KERALA STATE ELECTRICITY BOARD, ELECTRICAL CIRCLE,
PALAKKAD.

4. THE ASST. EXECUTIVE ENGINEER,
ELECTRICAL MAJOR SECTION, KERALA STATE ELECTRICITY
BOARD, KANJIKODE.

BY GOVERNMENT PLEADER
SRI.C.K.KARUNAKARAN, SC FOR KSEB

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 03/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 23892/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE ORDER DATED 12/01/2005

P2 : COPY OF THE LETTER DATED 22/11/2005.

P3 : COPY OF THE LETTER DATED 22/06/2006.

P4 : COPY OF THE COVERING LETTER DATED 29/06/2006.

P4A : COPY OF THE COVERING LETTER DATED 29/06/2006.

P5 : COPY OF THE REPRESENTATION DATED 29/06/2006.

P6 : COPY OF THE ORDER DATED 11/08/2006.

P7 : COPY OF THE DEMAND DRAFTS TOTALLING RS. 1,80,27,000/-.

P8 : COPY OF THE JUDGMENT IN OP NO. 2666/03 DATED 24/01/2003.

P9 : COPY OF THE ORDER NO.B1-1722/03/CEI DATED 06/12/2003.

P10 : COPY OF THE ORDER NO.G.O.(Rt.) NO.348/04/PD DATED 10/08/2004.

P11 : COPY OF THE DEMAND DRAFT DATED 28/10/2004.

P12 : COPY OF THE ORDER NO.APTS/BV/2861/04/KKD/1776.

P13 : COPY OF THE CALCULATION STATEMENT SHOWING THE DETAILS OF THE PAYMENTS EFFECTED BY THE petitioner.

P14 : COPY OF THE LETTER DATED 18/01/2005.

P15 : COPY OF THE LETTER DATED 31/05/2005.

P16 : COPY OF THE LETTER DATED 24/06/2005.

P17 : COPY OF THE APPEAL MEMORANDUM DATED 06/01/2006.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 23892 of 2006

Dated, this the 3rd day of July, 2007

J U D G M E N T

Prayer in the WP(C) is only for a direction to the KSEB to grant additional power allocation claimed by the petitioner. Learned Standing Counsel for KSEB submitted that the arrears are around Rs. 1.6 crores and non-payment of the arrears is the reason for declining additional power allocation. Petitioner's counsel contended that petitioner has paid the demands covered by Ext.P2 statement except Item No.(1), which according to the petitioner does not pertain to him. He further contended that remaining demand covered by revised statement filed by the Board is under stay granted by appellate authority. In the circumstances and having regard to the claim and counter claim and since appeals are pending, I dispose of the WP(C) directing KSEB to grant additional power allocation on petitioner complying with all the formalities and on remitting an additional sum of Rs. 25 lakhs towards disputed arrears. As and when appeals are disposed of, arrear amount will be determined and payments made presently will be adjusted against the sustained demand. If any balance is left, such amount

should be adjusted towards current bills. Additional power allocation should be granted at the earliest after payment as above.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg